

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT

IN THE MATTER OF:

Eric J. McQuithey and Billi Jo McQuithey,
Debtor(s).
29417 Walnut St.
Flat Rock, MI 481340000
SSN: XXX-XX- 5243, SSN: XXX-XX-2543

CHAPTER 13
CASE NO. 14-58730-WSD
JUDGE WALTER SHAPERO

**TRUSTEE'S OBJECTION TO PROOF OF CLAIM OF
CONDOR CAPITAL CORP, PACER CLAIM # 2-1**

NOW COMES the Chapter 13 Trustee, Tammy L. Terry, pursuant to 11 U.S.C. Section 704(5) and Federal Rule of Bankruptcy procedure 3007 and hereby objects to the Proof of Claim by **CONDOR CAPITAL CORP, PACER CLAIM # 2-1**, for the following reasons:

1. The debtor filed for Chapter 13 relief on December 5, 2014. This matter was confirmed on June 26, 2015.
2. On December 12, 2014, **CONDOR CAPITAL CORP, PACER CLAIM # 2-1**, filed a secured proof of claim in the amount of \$12,076.31. (See attached proof of claim)
3. The claimant failed to attach supporting documents evidencing its priority status in contravention of 11 U.S.C. §507(a).
4. As such, the Trustee is unable to administer these proceedings.

WHEREFORE, the Chapter 13 Trustee requests this Honorable Court disallow the proof of claim for **CONDOR CAPITAL CORP, PACER CLAIM # 2-1** in the amount of \$12,076.81.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE DETROIT
Tammy L. Terry, Attorney and Chapter 13 Standing Trustee

/s/ TAMMY L. TERRY (P46254) 1/5

Chapter 13 Trustee

/s KIMBERLY J. SHORTER-SIEBERT (P49608)

/s/ MARILYN R. SOMERS-KANTZER (P52488)

Staff Attorneys

535 Griswold, Suite 2100

Detroit, MI 48226

(313) 967-9857

mieb_ecfadmin@det13.net

October 5, 2015

UNITED STATES BANKRUPTCY COURT Eastern District of Michigan		PROOF OF CLAIM
Name of Debtor: Eric J & Billi Jo McQuithey	Case Number: 14-58730	<div style="text-align: center; font-weight: bold; margin-bottom: 10px;">COURT USE ONLY</div> <input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Condor Capital Corp.		
Name and address where notices should be sent: Condor Capital Corp. 165 Oser Ave Hauppauge, NY 11788-8827		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Telephone number: (516) 932-9090 email: bankruptcy@condorcap.com		
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Telephone number: email:		
1. Amount of Claim as of Date Case Filed: \$ <u>12,076.81</u>		
If all or part of the claim is secured, complete item 4.		
If all or part of the claim is entitled to priority, complete item 5.		
<input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>Auto Loan</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <div style="text-align: center; font-size: 1.2em;">9 5 7 3</div>	3a. Debtor may have scheduled account as: (See instruction #3a)	3b. Uniform Claim Identifier (optional): (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input checked="" type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: <u>2011 Ford Focus VIN#1FAHP3GN1BW164400</u>		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: <div style="text-align: right;">\$ <u>1,522.52</u></div>
Value of Property: \$ <u>12,076.81</u>		Basis for perfection: <u>Title</u>
Annual Interest Rate <u>18.990%</u> <input checked="" type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of Secured Claim: \$ <u>12,076.81</u> Amount Unsecured: \$ <u>0.00</u>
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(). <div style="text-align: right;">Amount entitled to priority: \$ _____</div>
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

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IN RE:

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NOTICE OF OBJECTION TO PROOF OF CLAIM OF CONDOR CAPITAL CORP, PACER CLAIM # 2-1

The Chapter 13 Standing Trustee has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before <<<**(SEVEN DAYS PRIOR TO HEARING)**>>>, YOU OR YOUR LAWYER MUST:

1. File with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so that the court will receive it on or before the date stated above.

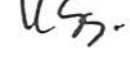
You must also mail a copy to:

Eric J. McQuithey & Billi Jo McQuithey, 29417 Walnut St., Flat Rock, MI 481340000
Office of the Chapter 13 Standing Trustee, 535 Griswold, Suite 2100, Detroit, Michigan 48226
MARK E. STERN & ASSOCIATES 1815 FORD AVENUE WYANDOTTE, MI 481920000
CONDOR CAPITAL CORP 165 Oser Ave Hauppauge, NY 11788-8827


2. Attend the hearing on the objection, scheduled to be held on November 23, 2015 at 11:00am in Courtroom 1042, United States Bankruptcy Court, 231 W. Lafayette, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney.

If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE DETROIT
Tammy L. Terry, Attorney and Chapter 13 Standing Trustee

/s/ TAMMY L. TERRY (P46254) 
Chapter 13 Trustee
/s/ KIMBERLY J. SHORTER-SIEBERT (P49608)
/s/ MARILYN R. SOMERS-KANTZER (P52488)

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CERTIFICATE OF MAILING

I hereby certify that on the date indicated below, copies of **TRUSTEE'S OBJECTION TO PROOF OF CLAIM OF CONDOR CAPITAL CORP, PACER CLAIM # 2-1**, and **NOTICE OF OBJECTION TO CLAIM** were served via Electronic Court Filing and/or mailed to the parties at the stated addresses below.

October 14, 2015

/s/ LaToya Ethridge

For the Office of the Chapter 13 Standing Trustee-Detroit
535 Griswold, Suite 2100
Detroit, MI 48226
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